

TABLE 5-1
POTENTIAL ARARs AND TBCs

Potential ARAR/TBC and Legal Citation	Classification	Description	Applicability
Endangered Species Act of 1973: 16 USC 1531, 50 CFR 81, 225, 402	Relevant and Appropriate	Requires federal agencies to ensure that action authorized by an agency is not likely to jeopardize the existence of any species on the endangered or threatened list or adversely affect its critical habitat.	There has not been species on the endangered or threatened list identified at the site. If any are identified in the future, remedial action would require consultation and permitting as specified by Section 7 of the act.
National Historic Preservation Act: 16 USC Section 461, 469 and 470; 40 CFR 6.301(b), 36 CFR 800	Relevant and Appropriate	Sets guidelines for remedial actions at or near historic properties included on or eligible for inclusion on the National Register of Historic Places.	Remedial actions must ensure that potential historic areas are not adversely affected. Historic places have not been identified at the site.
Archeological and Historical Preservation Act 16 USC 469a-1	Relevant and Appropriate	Provides for the preservation of historical and archeological data.	Relevant and appropriate if historical and archeological data would be affected by remedial action. There has not been any historical and archeological data identified at the site.
Fish and Wildlife Coordination Act: 16 USC 661	Relevant and Appropriate	Set standards for protection of fish and wildlife when federal actions result in control or structural modification of a natural stream or water body. This act prohibits water pollution with any substances deleterious to fish, plant life, or bird life and requires consultation with the U.S. Fish and Wildlife Service and appropriate state agencies.	Would be relevant and appropriate for remedial actions that modify Bayou Verdine.
Clean Water Act - National Pollutant Discharge Elimination System (NPDES) permit limitations: 40 CFR 132, 403.5	Relevant and Appropriate	Enforceable standards for discharge of pollutants to surface water. Standards are set to maintain water quality consistent with public health and recreation, propagation and protection of aquatic life and other beneficial uses of water.	Louisiana has been delegated water permitting authority, so Federal NPDES permit is not required. However, EPA Region 6 reviews/approves new permits and any major modifications.

TABLE 5-1 (Continued)

POTENTIAL ARARs AND TBCs

Potential ARAR/TBC and Legal Citation	Classification	Description	Applicability
Clean Water Act - Section 404 Regulates Dredge and Fill Activities to Waters of the U.S.	Applicable	The disposition of dredged or excavated materials in waters of the U. S. is a regulated activity under Section 404.	Applicable for remedial actions involving discharge of dredged or fill material. It is likely that this work can be conducted under Nationwide Permit No. 38.
Executive Orders Related to Floodplains (11988) and Wetlands (11990) - EPA's August 6, 1985 policy on floodplain and wetlands assessments for CERCLA actions	Relevant and Appropriate	Aims to ensure that floodplains and wetlands are not adversely affected by any remedial actions undertaken at a site. No activities that adversely affect floodplains and wetlands shall be permitted if a practicable alternative is available. If no alternative is available, impacts must be mitigated.	Any dredging, excavation or filling operation, field work disturbing designated wetlands or floodplains are required to adhere to the conditions of the executive orders.
Louisiana Pollution Discharge Elimination System (LPDES) Program - LAC 33:IX Chapter 23	Applicable	Enforceable standards for discharge of pollutants to Louisiana waters.	This is applicable for the removal action alternatives that involve treatment of water in the Conoco wastewater treatment facility.
Section 10 of the Rivers and Harbors Act	Relevant and Appropriate	Dredging in navigable waters of the U. S. is regulated under Section 10 of the Rivers and Harbors Act.	Relevant and appropriate for remedial actions involving dredging. Requires authorization but probability will be addressed under Nationwide Permit No. 38.
Resource Conservation and Recovery Act (RCRA)	Applicable	Enforceable standards for management and disposal of RCRA wastes.	Applicable for remedial actions involving storage, transportation, treatment and disposal of solid wastes.
EPA Area of Contamination (AOC) Policy; 55 FR 8758-8760	Relevant and Appropriate	EPA policy that allows waste to be consolidated within an AOC without triggering land disposal restrictions or minimum technical requirements.	Relevant and appropriate for consolidation of material that may contain hazardous waste.
Louisiana Solid Waste Regulations LAC 33:VII	Applicable	State regulations governing the storage, transportation, treatment and disposal of solid wastes.	Applicable for remedial actions involving storage, transportation, treatment and disposal of solid wastes.

TABLE 5-1 (Continued)**POTENTIAL ARARs AND TBCs**

Potential ARAR/TBC and Legal Citation	Classification	Description	Applicability
Occupational Safety and Health Act: 29 CFR 1910, 1926	Applicable	Provides enforceable occupational safety and health standards (permissible exposure limits or PELs) for workers engaged in on-site field activities.	These standards regulate employee exposure to air contaminants and provide guidelines for equipment handling and personal protection.
National Institute for Occupational Safety and Health (NIOSH)	To Be Considered	Provides nonenforceable recommended exposure limits (RELs) for occupational activities for chemicals with OSHA PELs.	These are guidelines for worker exposure to air contaminants.
American Conference of Governmental Industrial Hygienists (ACGIH)	To Be Considered	Provides 8-hour time-weighted average concentrations (known as threshold limit values or TLVs) of occupational hazardous chemicals.	These are guidelines for worker exposure to air contaminants.

NOTE: This table identifies the ARARs and TBCs considered potentially applicable or relevant and appropriate for the remedial alternatives considered in this EE/CA.